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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,436	10/13/2000	Alan H. Karp	10992795	8480

7590 05/20/2004

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[REDACTED] EXAMINER

VO, LILIAN

[REDACTED] ART UNIT 2127

PAPER NUMBER

DATE MAILED: 05/20/2004

cf

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/687,436	KARP ET AL. <i>[Signature]</i>	
	Examiner	Art Unit	
	Lilian Vo	2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 February 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 - 17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 - 17 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 17 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 6 - 9, 11 and 13 - 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bechtolsheim et al. (US 6,515,963, hereinafter Bechtolsheim).

4. Regarding **claim 1**, Bechtolsheim discloses a method for flexible allocation of a resource, comprising the steps of:

associating a soft limit and a hard limit to a potential user of the resource wherein the soft limit guarantees access to the resource by the potential user and the hard limit enables the potential user to exceed the soft limit on a first-come-first-served basis (fig. 9, col. 12, lines 1 - 18);

obtaining a request for allocation of a portion of the resource for the potential user (figs. 9 and 10);

granting the request if the request if allowed would not exceed the soft limit of the potential user (figs. 9: 910, col. 12, lines 1 - 18);

denying the request if the request if allowed would exceed the hard limit of the potential user (figs. 9: 930, col. 12, lines 1 - 18);

denying the request if the request if allowed would cause a grand total allocation of the resource to exceed a high watermark assigned to the resource and granting the request otherwise (fig 3: 340, fig 10: 1010, 340 ,col. 9, lines 59 – 67, col. 10, line 65 – col. 11, line 7).

5. Regarding **claims 6 and 8**, Bechtolsheim discloses the step of assigning the soft limit and/or hard limit in response to a class associated with the potential user (col. 3, lines 13 – 21, col. 13, lines 11 – 29).

6. **Claims 5, 7, 9, 11 and 13 - 14** are rejected on the same ground as stated above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 – 4, 10, 12 and 15 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bechtolsheim et al. (US 6,515,963, hereinafter Bechtolsheim) as applied to claims 1 and 11 above, in view of Harris et al. (US 6,438,704, hereinafter Harris).

9. Regarding **claim 2**, Bechtolsheim did not clearly disclose the additional limitation as claimed. Nevertheless, Harris discloses the step of entering a reduction mode for handling a subsequent request for allocation of the resource (col. 12, line 38 – col. 13, line 22, fig. 4).

It would have been obvious for one of an ordinary skill in the art, at the time the invention was made to incorporate Harris' teaching together with Bechtolsheim's system so the subsequent and/or additional requests can be fulfilled.

10. Regarding **claim 4**, Bechtolsheim did not clearly disclose the additional limitation as claimed. Nevertheless, Harris discloses the step of assigning the low watermark to the resource (col. 4, line 31 – col. 5, line 45 and col. 14, line 52 – col. 15, line 32).

It would have been obvious for one of an ordinary skill in the art, at the time the invention was made to incorporate Harris' teaching together with Bechtolsheim's system so that the necessary resource amount require for a particular request can be determined.

11. Regarding **claim 10**, Bechtolsheim did not clearly disclose the additional limitation as claimed. Nevertheless, the step of allocating a portion of the resource for system use (col. 2, lines 39 – 67, fig. 1 and 2, col. 4, line 45 – col. 5, line 32).

Art Unit: 2127

It would have been obvious for one of ordinary skill in the art, at the time the invention was made to incorporate Harris' teaching together with Bechtolsheim's system so that there are resources set aside for system functions.

12. **Claims 3, 12 and 15 - 17** are rejected on the same ground as stated above.

Response to Arguments

13. Applicant's arguments with respect to claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection as set forth above.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 703-305-7864. The examiner can normally be reached on Monday - Thursday, 7:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lilian Vo
Examiner
Art Unit 2127

lv
May 6, 2004



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